

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
Western DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

JUL -1 2025 2:25 P

U.S. DISTRICT COURT
SOUTHERN DISTRICT
OF OHIO-DAYTON

Mark A. Newberry

(Enter Above the Name of the Plaintiff in this Action)

vs.

COX MEDIA GROUP, LLC

(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

W HIO-TV

DAYTON DAILY NEWS

3:25 PM 215

WALTER H. RICE

CAROLINE H. GENTRY

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Mark A. Newberry

Name - Full Name Please - PRINT

910 CRESTMORE AVE

Street Address

DAYTON, OHIO 45402

City, State and Zip Code

937-977-0551

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. COX MEDIA GROUP, LLC
Name - Full Name Please ATLANTA,
6205 PEACHTREE DUNWOODY ROAD GA: 30328
Address: Street, City, State and Zip Code
2. WHIO - TV (COX MEDIA GROUP - DAYTON)
1611 S. MAIN STREET DAYTON, OHIO 45409
3. DAYTON DAILY NEWS (COX FIRST MEDIA)
601 E. THIRD STREET DAYTON, OHIO 45402
4. _____
5. _____
6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- ☐ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- ☒ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- ☐ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☐ Title _____ United States Code, Section _____
[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

- 1) ON OR ABOUT JUNE 2025, COX MEDIA GROUP AND ITS SUBSIDIARIES WHIO-TV AND DAYTON DAILY NEWS REPUBLISHED DEFAMATORY CONTENT ORIGINALLY POSTED IN 2009.
- 2) THIS CONTENT FALSELY SUGGESTED THE PLAINTIFF WAS INDICTED FOR A CRIME WHEN IN FACT THE GRAND JURY ISSUED FIVE "NO BILLS" AND DECLINED TO INDICT.
- 3) IN 2025, DEFENDANTS MONETIZED THIS FALSE CONTENT BY PLACING IT BEHIND A PAID SUBSCRIPTION PAYWALL, PROFITING FROM KNOWINGLY MISLEADING INFORMATION.
- 4) PLAINTIFF IS A KNOWN PUBLIC FIGURE WITH A BACKGROUND IN MEDIA, PUBLIC SERVICE, AND PAST CANDIDACY FOR POLITICAL OFFICE.
- 5) DEFENDANTS REPUBLICATION CAUSED DAMAGE TO REPUTATION, CAREER, AND MENTAL HEALTH, IN VIOLATION OF THE FTC ACT (15 U.S.C. § 45), LANHAM ACT (15 U.S.C. § 1125), AND FEDERAL DEFAMATION LAW.

Mark Anthony Newberry v. Cox Media Group et al

Plaintiff: Mark Anthony Newberry

Address: 910 Crestmore Avenue, Dayton, OH 45402

Phone: (937) 977-0551

Email: markanthonynewberrysr@gmail.com

Pro Se Plaintiff

United States District Court

Southern District of Ohio, Western Division (Dayton)

Case Title: Defamation, Misuse of Likeness, Malicious Publication

Defendants: Cox Media Group, WHIO-TV, Dayton Daily News

Nature of Suit: Civil Rights / Defamation / Retaliation / FTC Act and Lanham Act Violations

COMPLAINT FOR DEFAMATION AND INJUNCTIVE RELIEF

Plaintiff Mark Anthony Newberry files this civil action against Cox Media Group and its subsidiaries WHIO-TV and Dayton Daily News for deliberate republication and monetization of defamatory articles initially published in 2009, which falsely imply guilt in a criminal case where no indictment was ever issued.

The articles have been updated and re-posted in 2025 behind a paywall, misrepresenting facts and causing severe reputational, emotional, and financial harm. These republications occurred in real

time, during Plaintiff's pending federal civil rights lawsuit against Montgomery County Children Services, thereby constituting direct retaliation and coordinated harm.

1. Defendants were notified in at least five documented instances of the defamatory nature and factual inaccuracy of the articles. They retained the content and continued monetizing it anyway.

2. Plaintiff is a known public figure in Dayton, Ohio, having run for office and been featured in broadcast television, CBS programming, and commercial reels.

3. Defendants' knowledge of Plaintiff's identity and history elevates their actions from negligence to malice and reckless disregard for the truth.

4. These violations are definitive under the FTC Act (unfair trade practices), the Lanham Act (false commercial representation), and Ohio defamation law.

DAMAGES AND RELIEF REQUESTED

- Immediate injunction requiring removal of defamatory content.
- \$3 million in damages for reputational, commercial, and emotional harm.
- \$1 million in statutory damages as of the date of service.
- \$1 million in damages per calendar day from date of service forward until full removal and apology are issued, enforceable by court order.

Filed on: July 01, 2025

Respectfully submitted,

Mark Anthony Newberry (Pro Se)

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

<u>Case Number</u>	<u>Caption</u>	
<u>3:201-CV-00481</u>	<u>MARK A. NEWBERRY</u>	vs. <u>COX MEDIA GROUP, INC.</u>
<u>3:2018-CV-00045</u>	<u>MARK A. NEWBERRY</u>	vs. <u>MONTGOMERY COUNTY CHILD SUPPORT AGENCY</u>
_____	_____	vs. _____

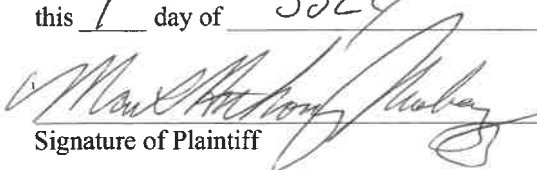
V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

PLAINTIFF REQUESTS \$3,000,000 FOR
REPUTATIONAL DAMAGE, EMOTIONAL DISTRESS,
AND FINANCIAL HARM ALREADY INCURRED,
PLUS \$1,000,000 PER DAY FROM THE DATE OF
SERVICE UNTIL FULL REMOVAL OF DEFAMATORY
MATERIAL AND PUBLIC CORRECTION IS ISSUED
BY DEFENDANTS. PLAINTIFF ALSO
REQUESTS A PERMANENT INJUNCTION
PREVENTING FURTHER PUBLICATION OF
FALSE CONTENT AND UNAUTHORIZED
USE OF NAME OR LIKENESS

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 1 day of JULY, 2025.



Signature of Plaintiff